

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

IDA SMITH,)
)
Plaintiff,)
)
v.)
)

ALL PERSONS CLAIMING A PRESENT OR)
FUTURE INTEREST IN ESTATE 13,)
FRIIS, LINDA V. SMITH-FRANCIS,)
WILLIAM E. SMITH, ELOISE V. SMITH-)
HENDRICKS, BAB FRIIS NO. 1, PAUL)
HOFFMAN, JANE HOFFMAN-WALKER,)
ELEANOR ADAMS HOFFMAN, MAXWELL)
ADAMS HOFFMAN, GLORIA FRANCOIS)
MCGOWAN, DAVID A. BORN AS TRUSTEE)
TO THE GAF TRUST ESTATE 14 JOHN'S)
FOLLY EXCLUDING ALL HEIRS AT LAW,)
ESTATE 15 CONCORDIA A, CORAL BAY)
QUARTER, ST JOHN UNITED STATES)
VIRGIN ISLANDS, NATIONAL PARK)
SERVICE, LAND RESOURCES DIVISION,)
DEPARTMENT OF INTERIOR, THE UNITED)
STATES OF AMERICA, STANLEY)
SELENGUT, WILLIAM B. POPPELTON,)
LORRAINE A. POPPELTON, KEVIN M.)
WALSH, MARIA K. STURATIS, SCOTT E.)
WILMOSKI, CHARLES M. PERDUE,)
MONICA PERDUE, JOZSEF NEMETH,)
NANCY NEMETH, FRED S. PATTERSON,)
MARGARET D. PATTERSON, JOHN R.)
PERGOLIZZI, TREASURE VIEW LLC,)
GEORGE PILLORGE, DEBORAH PILLORGE,)
SCOTT L. HARTSHORN, CLAUDETTE C.)
HARTSHORN, HEINZ G. FISHER, LINDA)
G. BURDET TRUSTEES OF THE HEINZ G.)
FISHER TRUST, DONALD DURANTE,)
SAFIA B. DURANTE, CRAIG E.)
MITCHELL, ALAN MARTIN KAUFMAN,)
RACHELLE KAUFMAN, JEFFREY J.)
McCRAVE, ANN McCRAVE, DOROTHY K.)
JANOSKO, WILLIAM R. KINCER, SUSAN)
B. KINCER, SUSAN GREER)
LITTLEFIELD, WAYNE CHESTERFIELD,)
MONIQUE FRANCOIS, PEDRITO)

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FRANCOIS, SALT POND VISTA LLC,)
V.I. JOSEPH PALMINTERI, CARRIE)
GLENN, MARC KAVE, EMILY J.)
BRATTON, RICK HATHAWAY, RENE A.)
SERVANT aka RENE H. SERVANT, MARIE)
THERESE L. SERVANT, LORI JANE)
SNACK, BRIAN K. WALDEN,)
MINISTER ISHMAEL R. MUHAMMED,)
MICHAEL CARPER, REUBEN WHEATLEY,)
et al.,)
Defendants.)
_____)

APPEARANCES:

Ida Smith
New York, NY
Pro se plaintiff,

Ronald W. Sharpe, USA
Jason Cohen, AUSA
St. Thomas, VI
For the United States National Park Service,

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Trustee of the GAF Trust,

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St. John, U.S.V.I.
For William E. Smith; Eloise V. Smith; Deborah Pillorge;
Claudette C. Hartshorn; Scott L. Hartshorn; Linda V. Smith-
Francis; and George Pillorge,

Gloria McGowan
Pro se,

Wayne Chesterfield
Pro se,

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Pedrito Francois

Pro se,

Joseph Palminteri

Pro se,

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*For Carrie Glenn; Lori Jane Snack; William B. Poppelton;
Lorraine A. Poppelton; Maria K. Sturaitis; Charles M.
Purdue; Monica Purdue; Salt Pond Vista, LLC; Heinz G.
Fisher; Linda G. Burdet, Trustee of the Heinz G. Fisher;
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Marie Therese Servant

Pro se,

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Pro se,

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Pro se,

Jozef Nemeth

Pro se,

Nancy Nemeth

Pro se defendant.

Fred S. Patterson

Pro se,

Margaret D. Patterson

Pro se defendant.

John R. Perqulizzi

Pro se,

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Pro se,

Missouri LLC

Pro se,

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Pro se,

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Jeffrey J. McCrave

Pro se,

William R. Kincer

Pro se,

Susan B. Kincer

Pro se,

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Susan Greer Littlefield

Pro se,

Kurt Shore

Pro se,

Suzanne L. Shore

Pro se,

Dorothy Janosko (also known as "Dorothy K. Janoko")

Pro se.

ORDER

GÓMEZ, J.

Before the Court are the crossclaims of Wayne Chesterfield ("Chesterfield").

In March of 2011, Ida Smith ("Smith") initiated this action to determine boundaries and to quiet title to various parcels of property in St. John, United States Virgin Islands. Shortly afterwards, Smith filed an amended complaint ("First Amended Complaint").

Neither the original complaint nor the First Amended Complaint named an individual defendant. Rather, both actions were brought against "[a]ll persons claiming a present or future interest, in Estate 13, Friis, Bab Friis No.1, Estate 14, John's Folly, Estate 15, Concordia A, Coral Bay Quarter, St. John, United States Virgin Islands EXCEPT The United States of America, National Park Service." ECF Nos. 1, 4.

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Smith moved for leave to file a second amended complaint on July 18, 2011. Smith attached a proposed second amended complaint (the "July 18 Proposed Complaint") to her motion. The proposed complaint named more than thirty additional defendants, including Chesterfield. Smith did not allege the citizenship of those defendants. On August 9, 2011, before the Court could rule on Smith's motion, the Clerk of Court issued more than thirty summonses for the defendants Smith sought to add. On September 14, 2011,

On September 15, 2011, the Court received a waiver of the service of summons form from Chesterfield dated August 21, 2011. On October 5, 2011, Chesterfield filed a document purporting to be an answer to the July 18 Proposed Complaint. That document read:

COMES NOW, Wayne Chesterfield appearing Pro Se (at present) and as a cross-claimant against all person claiming a present or future interest in the remainder of Estate 15 A Concordia, St. John United States Virgin Islands. In response to Plaintiff, Ida Smith, Pro Se, complaint and in compliance with Virgin Islands Code Title 28 § 373 the nature of my claim is the remainder of Estate 15 A Concordia, 50 acres more or less as deeded to me by my aunt Claudina Viola Joshua. The location of Estate Concordia, St. John United States Virgin Islands is given in the Geographic Dictionary of the Virgin Islands of the United States by James William McGuire Cartographic Engineer, United States Coast and Geodetic Survey, Member of United States Geographic Board and on map T3783 the original government survey done 1919 as 80 by 330 yards in size, on a sandy

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isthmus joining Ramhead Peninsula to mainland of St. John; only salt bearing pond on this end of island. Hence, Concordia Bay, Estate, and Hill, are all locally denominated Saltpond. Hence, also, this may be designated, Concordia Saltpond, to which I claim an undivided interest of 50 acres more or less. I have attached a copy of a National Park Service Map which delineates Estate Concordia.

ECF No. 158.

On February 29, 2012, the Court dismissed the action for lack of subject-matter jurisdiction. Smith then moved for reconsideration and filed a notice of appeal. On February 8, 2013, the Court granted Smith's motion for reconsideration and reopened the case. The Court then designated the case as a suspense matter pending the Third Circuit's resolution of the appeal. On July 1, 2013, the Third Circuit dismissed Smith's appeal for lack of jurisdiction.

Subsequently, on October 17, 2013, the Magistrate Judge granted Smith leave to file a Second Amended Complaint. On November 1, 2013, Smith filed her amended complaint (the "Second Amended Complaint"). The Second Amended Complaint is the operative complaint in this action. Chesterfield did not answer the second amended complaint.

Ordinarily, a crossclaim is brought in a pleading that responds to a complaint that is properly before the Court. See *generally* Fed. R. Civ. P. 13. Also, in the normal course,

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crossclaims are brought against a specific defendant or defendants. Here, Chesterfield has not named the defendants against whom he brings his crossclaims. Moreover, Chesterfield's crossclaims were raised in response to Smith's July 18 Proposed Complaint. As this Court has explained, Smith's July 18 Proposed Complaint was a "legal nullity," and thus never properly before the Court. *See Smith v. All Persons Claiming a Present or Future Interest in Estate 13*, No. 2011-41, 2016 WL 5720541, at *2 (D.V.I. Sept. 29, 2016).

The premises considered, it is hereby

ORDERED that no later than 3:30 P.M. on March 23, 2017, Wayne Chesterfield shall file a brief that will show cause why his crossclaims should not be dismissed; and it is further

ORDERED that the trial in this matter, previously scheduled for March 23, 2017, is **RESCHEDULED** to commence promptly at 9:00 A.M. on March 30, 2017.

S\ _____
Curtis V. Gómez
District Judge